

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION  
5:10-CV-533-F

CHARLES BENZING,

Plaintiff,

v.

THARRINGTON-SMITH LLP, ALICE C.  
STUBBS, KATEY M. REGAN,

Defendants.

**ORDER**

This case comes before the court on the motion (D.E. 13) by defendants Tharrington Smith LLP and Alice C. Stubbs (“moving defendants”) to stay discovery pending resolution of their motion to dismiss (D.E. 8) the claims against them pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6). Plaintiff, who is proceeding *pro se*, has filed a response in opposition (D.E. 16) to the motion to stay. The moving defendants’ motion to dismiss was recently allowed in part and denied in part (D.E. 17). Accordingly, the motion to stay is DENIED AS MOOT.

Also pending before the court is plaintiff’s motion (D.E. 15) to waive a pretrial conference. The motion is DENIED. The motion does not indicate to which pretrial conference it relates, and the court is aware of no pretrial conference as to which the motion would have any merit.

The parties are directed to convene a Fed. R. Civ. P. Rule 26(f) conference by 16 February 2012. To ensure that the parties consider the impact of the court’s ruling on discovery in this case, the parties shall hold such a conference whether or not they have previously held one. Their discovery plan shall be filed within 14 days after the conference. *See* Fed. R. Civ. P. 26(f)(2). Following the parties’ Fed. R. Civ. P. 26(f) conference, discovery may proceed. *See* Fed. R. Civ.

P. 26(d)(1). Except as modified herein, the provisions of the Order for Discovery Plan (D.E. 12) remain in full force and effect.

SO ORDERED, this 2nd day of February 2012.



James E. Gates  
United States Magistrate Judge